

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

VS.

JENNIFER MARIE LOVING,

Defendant.

8:05CR250

ORDER

This matter is before the court on the Petition for Action on Conditions of Pretrial Release (Filing No. 35). On July 5, 2005, defendant Jennifer Marie Loving (Loving), was ordered released upon conditions pending trial (Filing No. 14). Following various Consents to Modify Conditions of Release, Loving was to reside with her parents in Omaha, Nebraska, and comply with other conditions of release. On November 17, 2005, Pretrial Services Officer Lisa L. Caviness submitted a Petition for Action on Conditions of Pretrial Release alleging Loving had violated the conditions of her release by failing to appear for random drug testing, by associating with known drug users, and failing to abide the rules of her parents at their residence. A warrant for Loving's arrest was issued.

Loving appeared before the undersigned magistrate judge on November 23, 2005. She was represented by Assistant Federal Public Michael J. Hansen and the United States was represented by Special Assistant U.S. Attorney Jennie M. Dugan-Hinrichs. After being advised of the nature of the allegations, her rights, and the consequences if the allegations were found to be true, Loving admitted the allegations of the petition. The court finds the allegations of the petition are generally true and finds the defendant has violated the conditions of her release.

The court took judicial notice of a Violation Report from Pretrial Services. After providing both parties an opportunity for allocution as to disposition and considering the report of Pretrial Services, I find the Order Setting Conditions of Release should be revoked. Loving has demonstrated she is unwilling to comply with the conditions of release and cooperate with Pretrial Services. Since the defendant cannot abide by simple conditions of release, I find Loving is unlikely to abide by conditions of release and there is no other condition or combination of conditions that would reasonably assure Loving's presence for further proceedings or the safety of the community in the event she were released upon conditions.

IT IS ORDERED:

1. The Petition For Action on Conditions of Pretrial Release (Filing No. 35) is granted.
2. The July 5, 2005 Order Setting Conditions of Release (as modified) of Jennifer Marie Loving (Filing No. 14) is hereby revoked.
3. The defendant is committed to the custody of the Attorney General or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the defendant to the United States marshal for the purpose of an appearance in connection with a court proceeding.

DATED this 28th day of November, 2005.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge